

## TESTIMONY BEFORE THE SENATE COMMITTEE ON TRANSPORTATION

Good morning/afternoon Chairman Holperin and committee members. I am David Greendeer, executive administrative officer to the President of the Ho-Chunk Nation. I am here today to urge you to support SB-287 on behalf of the hundreds of tribal members that live at the "Mission" housing development on Ho-Chunk trust land in the town of Brockway in Jackson County.

The main access route to these residences is Mission Road which intersects State Highway 54 just east of Black River Falls. The first mile of Mission Road after the intersection with Highway 54 is owned by the Town of Brockway. This section of the road is in desperate need of reconstruction. It poses an extreme safety hazard to anyone who travels it and the Ho-Chunk Nation wants to ensure that this road is improved. The Town of Brockway however simply does not have the resources to accomplish this. As an elected representative of the Nation, I get calls about this road constantly asking, when is it going to be fixed, and how can we let this road get so bad. I am sure that Committee members can appreciate those types of calls from constituents.

Brockway is a predominantly rural township that has a large percentage of land area under the state Managed Forest Lands program and therefore has a diminished tax base. The Ho-Chunk Nation has been working with the Town and the Bureau of Indian Affairs (BIA) to find a solution and SB-287 is part of that solution.

The Ho-Chunk Nation, with the cooperation and support of the BIA, and in agreement with the Town of Brockway, would like to take responsibility for Mission Road by having the Town transfer its ownership of the road to the Nation. The road would be held in trust for the Nation by federal government through the BIA. However, current state statutes do not specifically allow for a municipality to transfer ownership of a road to an Indian tribe or an agency of the United States. SB-287 would allow this transfer to occur and for the road to finally be fixed properly.

The key word here is "allow". Under SB-287, both a municipality and tribal government would have to agree to such a transfer; if a municipality and a tribal government can not agree to the terms of a transfer, it would not occur. The transfer is strictly voluntary. Although it is required to occur to receive funding, it is voluntary.

It is my understanding that these types of transfers had taken place in Wisconsin and other states until last year. Recently, the BIA encountered issues with transfers in other states and in 2008 began conducting more due diligence before allowing transfers to take place. As part of that due diligence, the BIA indicated that Wisconsin Statutes did not specifically state that municipalities had the authority to transfer ownership and they recommended that a statutory change would correct that problem.

Without this type of transfer, the Ho-Chunk and Town of Brockway would not be eligible for the federal resources necessary to repair and maintain Mission Road. Also, we do not anticipate this type of transfer occurring very often. Ho-Chunk has never done this before and the current example with Brockway only involves a one mile stretch of road. But one area that the federal government has really come through for tribes is in its support of road funding. All tribes in Wisconsin participate in the Indian Reservation Roads Program (IRR). Through this program tribes can access funding for road construction and maintenance projects. The Ho-Chunk Nation has the ability, if SB-287 becomes law, to assist the Town of Brockway to acquire the resources necessary to repair and maintain Mission Road.

In short, SB-287 will allow for a cooperative agreement between local units of government and tribal governments where both, and only where both agree that such an agreement is in their best interest to leverage federal funds for needed repairs and maintenance of roadways in Wisconsin. Please join the Ho-Chunk Nation and the Town of Brockway in supporting this very limited measure that will provide increased and needed resources to this Road for the safety and betterment of our state, local, and tribal communities.

Thank you for your time.



---

# KATHLEEN VINEHOUT

## STATE SENATOR

---

**Testimony in support of SB 287**  
**Committee on Transportation, Tourism, Forestry and Natural Resources**  
**Wednesday, September 30, 2009**

Good morning Chairman Holperin and members of the Committee. Thank you for the hearing today on SB 287 transferring ownership and jurisdiction of a municipality's highways to an American Indian tribe or agency of the United States government.

Rep. Mark Radcliffe and I drafted this bill at the request of Brockway Township and the Ho-Chunk Nation.

Mission Road is a town road in Brockway Township. It is a primary thoroughfare for members of the Ho-Chunk Nation to access one of the Nation's housing developments. Mission Road is in disrepair and unfortunately as is all too common for our towns, Brockway does not have the necessary resources to make the necessary improvements.

Brockway Township and the Ho-Chunk Nation have worked together on an agreement to repair the road. Under this agreement, Brockway would voluntarily transfer custody and jurisdiction of Mission Road to the Ho-Chunk Nation, who will then make the necessary improvements.

The Ho-Chunk Nation plans to fund this project through the Federal Indian Reservation Roads Program and funds have been encumbered for this year. However, the Bureau of Indian Affairs determined that state law does allow such a transfer to take place. Without SB 287, Mission Road will remain in disrepair to the benefit of none.

SB 287 remedies this situation by authorizing a municipality to voluntarily transfer ownership and jurisdiction to a federally recognized American Indian Tribe or agency of the United States government. Brockway will be able to transfer the roadway to the Ho-Chunk Nation and will have additional resources freed for other roads in need of maintenance. Mission Road will receive much needed improvements. Members of the Ho-Chunk Nation will have a safer and more efficient access to the housing development.

Thank you for your time and attention to this matter.